

### **Remarks**

Applicants would like to thank the Office for entering the Applicants' amendment and response accompanying a Request for Continued Examination dated November 11, 2008, which was filed before the United States Patent and Trademark Office.

Claims 2, 5-8 and 10 were pending in this application, one or more of which have been rejected. By way of this amendment, claims 2 and 10 have been amended to more fully claim the subject invention and claim 5 has been canceled without prejudice. Support for the claims amendments and the new can be found in the originally filed specification, claims and drawings. *No new matter has been added.*

The foregoing amendments were made solely in an effort to expedite prosecution and allowance of the present application. The applicants reserve the right to pursue the claims as originally filed in this or a separate application(s).

Accordingly, upon the entry of the present amendment and response, claims 2, 6-8 and 10 will remain pending.

### **Nonstatutory Provisional Obviousness-Type Double Patenting Rejection**

Claims 2, 5-8 and 10 have been provisionally rejected again on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 3 and 4 of copending U.S. patent application no. 10/805,032. *See*, page 2 of Office Action mailed November 24, 2008.

Applicants note that this rejection is improper as U.S. patent application no. 10/805,032 was abandoned by the Applicants (*see*, Notice of Abandonment mailed from the U.S. Patent and Trademark Office on 11/7/08, a copy of which is included herewith for the Office's convenience). Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

### **Obviousness Rejection**

The rejection of claims 2, 5-7 and 10 under 35 USC §103(a) has been maintained as allegedly being obvious over GB2302042A (hereinafter referred to as the "*the '204 GB application*" in view of Applicants' submission that Santropene® is well known, as stated in the responses to prior office actions. *See*, page 3 of the Office Action mailed 11/24/08.

Applicants again respectfully traverse this rejection for the following reasons as well as reasons set forth in previous responses. As an initial matter, Applicants respectfully submit that the Office has failed to fully appreciate the inventive features of the claimed invention.

The claimed invention provides, at least in part, a feed screen for a filter module. For example, amended independent claim 1 is directed to a feed screen which comprises a screen containing a plurality of openings, the screen having a relatively uniform thickness and a series of two or more ports along at least one of its peripheral edges, at least one of said ports having an integral gasket formed through the screen around the port where the gasket has a thickness greater than that of the screen, and the thickness of the gasket extends at least 0.001 inch from at least one side of the screen and the gasket formed of one or more thermoplastic elastomers comprised of a blend of an ethylene-propylene diene monomer (EPDM) and polypropylene, where the integral gasket is formed by injection molding. Independent amended claim 10 relates to a filtration module which comprises such a feed screen.

The Office has cited *the '204 GB application* as allegedly rendering the claimed invention obvious. Applicants, however, respectfully submit that not only does *the '204 GB application* fails to teach or suggest several structural limitations of the claimed invention, but one of ordinary skill in the art would not have had any motivation to arrive at the claimed invention based on the teachings of *the '204 GB application* coupled with the knowledge in the art at the time of the invention, and this appears to be the Office's own hypothesis.

For example, *the feed screen*, as recited in the instant claims includes ***an integral gasket*** around one or more ports formed through the screen, ***which has a thickness greater than the screen and extends at least 0.001 inch from at least one side of the screen***, and where the gasket is formed of one or more thermoplastic elastomers comprised of a ***blend of ethylene-propylene diene monomer (EPDM) and polypropylene***.

Applicants note that while *the '204 GB application* discusses a copolymer which can act as a gasket by being suitably positioned around a fluid pathway, *e.g.*, around a feed hold through a diffusion layer (see, *e.g.*, page 7, lines 21-34), there is no teaching or suggestion in *the '204 GB application* of ***an integral gasket*** around one or more ports of a feed screen, where the ***gasket has a thickness that extends at least 0.001 inch from at least one side of the screen*** and the ***gasket is formed of one or more thermoplastic elastomers, comprised of a blend of an ethylene-propylene diene monomer (EPDM) and polypropylene***, and where the integral gasket is formed by ***injection molding***. In contrast, not only is *the '204 GB application* silent on injection molding but appears to suggest the use of ethylene vinyl acetate (EVA) as the copolymer and also does not teach or suggest that the copolymer has a thickness that extends at least 0.001 inch from at least one side of a feed screen, as claimed. In fact, it is to be noted that it was well known in the art at the time of the invention that EVA is a hot-melt adhesive (as also noted by the Office at page 6 of the Office Action mailed 11/24/08) which can be processed without

injection molding. Accordingly, based on the teachings of *the '204 GB application* coupled with the knowledge in the art, one of ordinary skill in the art would not have had any motivation to use the claimed material for forming the gasket which is formed by injection molding. Furthermore, one of ordinary skill in the art would also not have necessarily arrived at a gasket which has a thickness of at least 0.001 inch extending from at least one side of the screen. At best, based on the teachings of *the '204 GB application* coupled with the knowledge in the art, one of ordinary skill in the art would have selected a copolymer which does not require injection molding.

In addition to the various structural differences between *the '204 GB application* and the claimed invention, the Office has also failed to appreciate that the integral gasket of the claimed invention provides several advantages over the prior art devices including enabling the use of the filter device at higher pressures, *e.g.*, as demonstrated in Example 1 of the specification as filed. In contrast, *the '204 GB application* simply discusses that the copolymer can act as a gasket to avoid contamination between various fluid streams during filtration.

In view of the foregoing amendments and arguments, Applicants respectfully submit reconsideration and withdrawal of this rejection.

Additionally, the rejection of claims 2, 5-8 and 10 under 35 USC §103(a) has been maintained as allegedly being obvious over U.S. Patent No. 4,701,234 in the name of Rogemont *et al.* (hereinafter referred to as "*Rogemont*") in view of "*the '204 GB application* and/or U.S. Patent No. 6,235,166 in the name of Towe *et al.* (hereinafter referred to as "*Towe*"). See, page 7 of the Office Action mailed 11/24/08. Specifically, the Office has taken the position that "[i]t would be obvious to one of ordinary skill in the art at the time of the invention to use the teaching of GB in the teaching of Rogemont because GB teaches that the thermoplastic used requires low extractables (page 1 lines 22-34), and that the layers can be sealed together as an integral body (page 7 lines 20-33) leading to high quality devices (paragraph linking pages 7-8)." The Office further goes on to state that "[i]t would be obvious to one of ordinary skill in the art at the time of the invention to use the teaching of Towe in the teaching of Rogemont for forming the seal using a thermoplastic elastomer in place of the silicone because the seal can be made integral by injection molding and thus help mass production as taught by Towe." See, pages 7 and 8 of the Office Action mailed 11/24/08.

Applicants again respectfully traverse this rejection for the reasons set forth herein as well as those enunciated in prior responses.

In the instant case, Applicants respectfully submit that the Office has not provided a rationale basis for why one skilled in the art would have combined the teachings of one or more of *the '204 GB application*, *Rogemont* and/or *Towe* to arrive at the claimed invention, as discussed in more detail below.

Contrary to the Office's contention, one of ordinary skill in the art would have had no rational basis to use the teachings of *the '204 GB application* in the teachings of

*Rogemont* or the teachings of *Towe* in the teachings of *Rogemont*. Furthermore, even if *arguendo*, the teachings of these references were combined, one of ordinary skill in the art would not have predictably arrived at the claimed invention.

As discussed above, there is no teaching or suggestion in *the '204 GB application* of *an integral gasket* around one or more ports of a feed screen, where the *gasket has a thickness that extends at least 0.001 inch from at least one side of the screen* and the *gasket is formed of one or more thermoplastic elastomers, comprised of a blend of an ethylene-propylene diene monomer (EDPM) and polypropylene*, and where the integral gasket is formed by *injection molding*. Furthermore, *the '204 GB application* appears to teach away from the claimed invention as it suggests the use of a copolymer which is not injection molded.

*Rogemont* fails to cure the deficiencies of *the '204 GB application*. *Rogemont* is directed to a process of manufacture of an interposed support of semipermeable microfiltration membranes, where the support is composed of a permeable mesh and a sealed border of elastomeric material. Accordingly, while *Rogemont* discusses use of an elastomeric material to form a border on each side the mesh, there is no teaching or suggestion in *Rogemont* of use of the claimed material to form an integral gasket around one or more ports using injection molding, let alone that such a gasket has a thickness of at least 0.001 inch which extends from one side of a layer of the screen.

Furthermore, even if the teachings of *the '204 GB application* and *Rogemont* were to be combined, one of ordinary skill in the art would not have predictably arrived at the claimed invention, as none of *the '204 GB application* and *Rogemont* teach or suggest alone, or in combination, each and every limitation of the integral gasket, as set forth in the instant claims.

*Towe* is directed to sealing means for electrically driven water purification units, where the perimeter 12 is overmolded on the mesh by injection molding. *See, e.g., col. 11, lines 15-21*. Accordingly, while *Towe* mentions injection molding, *Towe* appears to be describing a process where an elastomeric material forms a perimeter around the mesh. *See, Figure 2a*. There is no teaching or suggestion in *Towe* of the formation of an integral gasket around one or more ports, as claimed. Furthermore, like *the 'GB application* and *Rogemont*, *Towe* also does not appear to teach or suggest a gasket having a thickness which extends at least 0.001 inch from at least one side of the screen, as claimed.

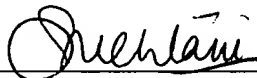
Based on the foregoing, Applicants respectfully submit that not only would one of ordinary skill in the art had no motivation to combine the teachings of one or more of *the '204 GB application*, *Rogemont* and/or *Towe*, but even if the teachings of the foregoing references were to be combined, one of ordinary skill in the art would not have predictably arrived at the claimed invention.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

**Conclusion**

In view of the foregoing amendments and arguments, allowance of the instant application with all pending claims is respectfully solicited. If a telephonic conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned at the number below. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 13-3577.

Respectfully submitted



Sapna Mehtani, Ph.D., J.D.  
Attorney for Applicants  
Reg. No. 56,126

March 12, 2009  
Millipore Corporation  
290 Concord Road  
Billerica, Massachusetts 01821  
Tel.: (978) 715-1086  
Fax: (978) 715-1382

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 12, 2009.

  
Stacey Gross